



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 335

Hearing Date: 2/8/2001
Committee On: Judiciary

Introducers: (Kristensen, Chambers)

Title: Change powers and duties of the Commission on Public Advocacy and provide reimbursement procedures for indigent defense systems

Roll Call Vote – Final Committee Action:

Advanced to General File
X Advanced to General File with Amendments
Indefinitely Postponed

Vote Results:

7	Yes	Senators Baker, Brashear, Chambers, Connealy, Pedersen, Robak, Tyson
	No	
	Present, not voting	
1	Absent	Senator Bourne

Proponents:

Senator Doug Kristensen
Dennis Keefe
Jane Schoenike

Representing:

Introducer
Lancaster County Public Defender
Nebraska State Bar Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 335 describes how the Commission on Public Advocacy will reimburse counties for indigent defense systems given the proper standards are met.

The Commission on Public Advocacy shall adopt guidelines and standards for county indigent defense systems. Any county requesting reimbursement for a portion of its expenses for indigent defense must comply with the guidelines. Such guidelines shall relate to:

- The County Revenue Assistance Fund expenditures to reimburse qualifying counties;
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- Court appointed attorney eligibility and qualifications;
- Compensation rates for salaried public defenders, contractual attorneys, assigned counsel, and the indigent defense system overall funding;
- Maximum caseloads for all systems;
- Systems administration;
- Continuing legal education;
- Conflicts of interests; and
- Availability of expert witnesses and support services.

Any county seeking reimbursement must submit each year to the Commission on Public Advocacy:

- A plan describing how the county will provide indigent defense services;
- A statement of intent to comply with the guidelines; and
- A projection of the amount of money the county expects to spend on indigent defense.

The counties, if in compliance with the Commission's guidelines, may be reimbursed for 50% of the expenses for indigent defense in cases of 1st degree murder, and reimbursed for 40% in noncapital felony cases, misdemeanor cases, juvenile cases, mental health commitment cases, child support enforcement cases, and paternity establishment cases.

Explanation of amendments, if any:

The amendment furthers the intent of the bill by creating the Indigent Defense Standards Advisory Council. The council shall be made up of 7 members including elected public defenders of Douglas County and Lancaster County, a chief counsel, and 4 members having substantial experience in providing indigent defense services.

The council is responsible for developing and recommending to the council guidelines and standards for county indigent defense systems.

Senator Kermit A. Brashear, Chairperson